

1 RAOUL D. KENNEDY (STATE BAR NO. 40892)  
2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
3 Four Embarcadero Center, Suite 3800  
4 San Francisco, California 94111  
5 Telephone: (415) 984-6400  
6 Facsimile: (415) 984-2698  
7 Email: Raoul.Kennedy@skadden.com

8 JAMES R. CARROLL (*PRO HAC VICE* APPLICATION PENDING)  
9 DAVID S. CLANCY (*PRO HAC VICE* APPLICATION PENDING)  
10 CALE P. KEABLE (*PRO HAC VICE* APPLICATION PENDING)  
11 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
12 One Beacon Street, 31st Floor  
13 Boston, Massachusetts 02108  
14 Telephone: (617) 573-4800  
15 Facsimile: (617) 573-4822  
16 Email: James.Carroll@skadden.com  
17 Email: David.Clancy@skadden.com  
18 Email: Cale.Keable@skadden.com

19 Attorneys for Defendants  
20 CONSECO, INC. and CONSECO LIFE INSURANCE COMPANY

21 UNITED STATES DISTRICT COURT  
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 CEDRIC BRADY, DR. CHARLES	)	CASE NO.: 3:08-CV-05746-EMC
25 HOVDEN, MARION HOVDEN, DR.	)	
26 EUGENE KREPS, DR. JOHN McNAMARA,	)	
27 DR. HISAJI SAKAI, and JEAN SAKAI,	)	<b>STIPULATION EXTENDING TIME TO</b>
28 Individually and On Behalf Of All Others	)	<b>ANSWER, MOVE, OR OTHERWISE</b>
Similarly Situated,	)	<b>RESPOND TO THE COMPLAINT</b>
	)	<b>ORDER</b>
Plaintiffs,	)	
	)	
v.	)	
	)	
CONSECO, INC. and CONSECO LIFE	)	
INSURANCE COMPANY,	)	
	)	
Defendants.	)	

1 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden,  
2 Marion Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the  
3 "Plaintiffs") filed a Complaint against defendants Consecro, Inc. and Consecro Life Insurance  
4 Company (the "Defendants"), in the San Francisco Division of the United States District Court for  
5 the Northern District of California (the "Complaint");

6 WHEREAS on January 9, 2009, plaintiffs served a summons and Complaint on  
7 each of the Defendants;

8 WHEREAS, by the terms of the summons the Defendants would have twenty (20)  
9 days from January 9, 2009, by which to answer, move, or otherwise respond to the Complaint,  
10 making their answer, motion, or other response due on or before January 29, 2009;

11 WHEREAS Defendants requested and Plaintiffs agreed to extend the time in which  
12 Defendants shall be required to answer, move or otherwise respond to the Complaint to February  
13 20, 2009;

14 IT IS THEREFORE STIPULATED AND AGREED, by and between the  
15 undersigned, that Defendants shall have to and including February 20, 2009, within which to  
16 answer, move, or otherwise respond to the Complaint.

17 DATED: January 29, 2009

Millstein & Associates

18 By: /s/ David J. Millstein

19 David J. Millstein  
20 Attorneys for Plaintiffs

21 DATED: January 29, 2009

Gilbert Oshinsky LLP

22 By: /s/ August J. Matteis, Jr.

23 August J. Matteis, Jr.  
24 Attorneys for Plaintiffs

25 DATED: January 29, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

26 By: /s/ Raoul D. Kennedy

27 Raoul D. Kennedy  
28 Attorneys for Defendants  
Consecro, Inc. and Consecro Life Insurance Company

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Raoul D. Kennedy, am the ECF User whose ID and password are being used to file this Stipulation Extending Time To Answer, Move, Or Otherwise Respond To The Complaint. In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of January 2009, at San Francisco, California.

By: /s/ Raoul D. Kennedy  
Raoul D. Kennedy

IT IS SO ORDERED:

\_\_\_\_\_  
Edward M. Chen  
U.S. Magistrate Judge

